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NOTICE OF ALLOWANCE AND FEE(S) DUE

21912

7590

01/02/2004

VAN PELT & YI LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014 EXAMINER LE, TOAN M

PAPER NUMBER

ART UNIT

DATE MAILED: 01/02/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838 708	04/18/2001	Lee Felsenstein	INT!P212	8801

TITLE OF INVENTION: POSITION DETECTING SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	04/02/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

OGY CENTE

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Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

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appropriate. All further con indicated unless corrected maintenance fee notification	below or directed otherwise	Patent, advance ord in Block 1, by (a)	lers and notification specifying a new c	of maintenance fee orrespondence addr	es will be mailed to the current ress; and/or (b) indicating a sepa	correspondence address as arate "FEE ADDRESS" for
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						(Depositor's name)
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	•					(Date)
APPLICATION NO.	FILING DATE	F	IRST NAMED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,708	04/18/2001		Lee Felsenstein		INT1P212	8801
TITLE OF INVENTION: P	OSITION DETECTING SYS	STEM AND METH	OD		•	
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APPLN. TYPE	SMALL ENTITY	ISSUE FEI	E PU	JBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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3. ASSIGNEE NAME AND	RESIDENCE DATA TO BI	E PRINTED ON TH	HE PATENT (print of	or type)		
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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,708 04/18/2001			Lee Felsenstein	INT1P212	8801
21912	7590	01/02/2004		EXAM	IINER
VAN PELT &		VD #200		LE, TO	OAN M
10050 N. FOO CUPERTINO,			•	ART UNIT	PAPER NUMBER
				2863	
		·		DATE MAILED: 01/02/200	A

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	09/838,708	FELSENSTEIN ET A	AL. PW
Notice of Allowability	Examiner	Art Unit	
	Toan M Le	2863	
The MAILING DATE of this communication appeal all claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT Right of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communication IGHTS. This application is subject to	plication. If not include will be mailed in due o	ed course. THIS
 This communication is responsive to 11/24/03. The allowed claim(s) is/are 1-3,5-11,69-71 and 75-78. The drawings filed on are accepted by the Examine Acknowledgment is made of a claim for foreign priority ur a) All b) Some* c) None of the: Certified copies of the priority documents have Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Acknowledgment is made of a claim for domestic priority ureference was included in the first sentence of the specification. The translation of the foreign language provisional at Acknowledgment is made of a claim for domestic priority ureference was included in the first sentence of the specification. Acknowledgment is made of a claim for domestic priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at the priority ureference was included in the foreign language provisional at th	r. nder 35 U.S.C. § 119(a)-(d) or (f). been received. been received in Application No cuments have been received in this ation or in an Application Data Shee application has been received. nder 35 U.S.C. §§ 120 and/or 121 s	national stage applicational applicational since to the transfer of the transf	e a specific
in the first sentence of the specification or in an Application Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of	n Data Sheet. 37 CFR 1.78. If this communication to file a reply c	omplying with the requ	irements noted
7. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which giv	nitted. Note the attached EXAMINER	R'S AMENDMENT or N	
8. CORRECTED DRAWINGS (as "replacement sheets") must (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No (b) including changes required by the proposed drawing of (c) including changes required by the attached Examiner light li	correction filed, which has been sometimed and which has been sometimed and the comment or in the contraction of the drawing the margin according to 37 CFR 1.121 asit of BIOLOGICAL MATERIAL	een approved by the E Office action of Paper I ings in the front (not the (d). must be submitted. I	No e back) of
Attachment(s)			
1⊠ Notice of References Cited (PTO-892)	5 ☐ Notice of Informal P	atent Application (PTC)-152)
2⊠ Notice of Draftperson's Patent Drawing Review (PTO-948)	6☐ Interview Summary	(PTO-413), Paper No.	
3 Information Disclosure Statements (PTO-1449 or PTO/SB/0	8), 7 Examiner's Amendr	nent/Comment	
Paper No 4	8☐ Examiner's Stateme	ent of Reasons for Allov	wance

Application No.

Applicant(s)

Application/Control Number: 09/838,708

Art Unit: 2863

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/03 has been entered.

Allowable Subject Matter

Claims 1-3, 5-11, 69-71, and 75-78 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M Le whose telephone number is (703) 305-4016. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Application/Control Number: 09/838,708

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Toan Le

December 16, 2003

Page 3

The drawing(s) filed (insert date)

A. ppproved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. Do objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require

Application No. 9 838708

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

DRAWINGS. 37 CFR 1.84(s): Acceptable caregories of drawings: Black int. Color. Color drawings are mal acceptable until petition is granted. Fig(3) Pencil and non-black int not permitted. Fig(4) PRIOTORAPHS. 37 CFR 1.84(s) PRIOTORAPHS. 37 CFR 1.84(s) Priore part of the state of	submission of new, corrected drawings when necessary. Corrected draw	ing must be sumitted according to the instructions on the back of this notice.
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PHOTOGRAPHS, 37 CFR 1.84(b) I full-tone set is required. Fig(s) Photographs may not be mounted, 37 CFR 1.84(e) Proof on Paper, 37 CFR 1.84(e) Proof on lexible, strong, white, and durable. Fig(s) Erssures, alterations, overwrings, intertineations, folds, copy machine marks not accepted. Fig(s) Mylar, velum paper is not accepted. Fig(s) Mylar, velum paper is not accepted. Fig(s) Mylar, velum paper is not accepted troughin). Fig(s) SIZE OF PAPER, 37 CFR 1.84(f). Acceptable sizes: 21.0 cm by 27.9 cm (101% size A4) 21.0 cm by 27.9 cm (8 1/2 x 11 inches) All Graving sheets not the same size. Shect(s) Drawings sheets not an acceptable fize. Shect(s) Drawings sheets not an acceptable fize. Fig(s) Margins not acceptable. Fig(s) English alphabet not used. 37 CFR 1.84(p)(1) Fig(s) Margins not acceptable. Fig(s) Brackets needed to show figure as one entity. Fig(s) Enlarged view not labeled separately or property. Fig(s) Enlarged view not labeled separately or property. Fig(s) EsteronAL VIEWS. 37 CFR 1.84(pX) Hatching not indicated for sectional pontions of an object. Fig(s) Sectional designation should be noted with Arabic or Roman numbers. Fig(s) Sectional designation should be noted with Arabic or Roman numbers. Fig(s) An of the strong sheet and size to two-thirds in reproduction. Fig(s) Solid black shading shown not appropriate. Fig(s) It SHADING. 37 CFR 1.84(pX) Numbers not generate an extensive property. Fig(s) In CHARAPTER OF LINES. Solid black shading shown not uniformly thick and well defined with another fig(s) Land interest and uniformly thick and well defined. Size and uniformly thick and well defined. Size and uniformly thick and well defined. Size and uniformly thick and		
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ATTACHMENT TO PAPER NO. ______

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Notice of References Cited Application/Control No. 09/838,708 Examiner Toan M Le Applicant(s)/Patent Under Reexamination FELSENSTEIN ET AL. Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
X	Α	US-5611534	03-1997	Takemoto et al.	273/121B
X	В	US-5606329	02-1997	Takemoto et al.	273/121B
	С	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	Н	US-			
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	j	US-			
	K	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Attachment for PTO-948 (Rev. 03/01, or earlier) 6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities - 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in ABANDONMENT of the application.